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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ERNESTO MANUEL GONZALEZ, et. al.,

Plaintiffs,

vs.

UNITED STATES OF AMERICA, et. al.,

Defendants.

CASE NO.: 2:22-cv-00328-JCM-EJY

**STIPULATION TO EXTEND DEADLINE
TO RESPOND TO USA AND KARPEL'S
MOTIONS TO DISMISS [ECF NOS. 13
AND 14]**

(FIFTH REQUEST)

NOW COMES the Plaintiffs, ERNESTO MANUEL GONZALEZ ("GONZALEZ"), JAMES PATRICK GILLESPIE ("GILLESPIE"), CESAR VAQUERA MORALES ("MORALES"), DIEGO CHAVEZ GARCIA ("GARCIA"), and BRADLEY CAMPOS ("CAMPOS") (collectively referred to herein as "Plaintiffs"), by and through their attorneys, Melanie A. Hill and Melanie Hill Law PLLC, and Defendants, UNITED STATES OF AMERICA and DAVID N. KARPEL, by and through their attorney, Jacob Bennett, who hereby stipulate that the deadlines for Plaintiffs to respond to Defendant USA and Karpel's Motions to Dismiss [ECF Nos. 13 and 14] and Defendant USA and Karpel's deadlines to reply be extended pursuant to Local Rule IA 6-1.

This is the fifth request for an extension of the deadlines. The first request was by stipulation to extend the deadlines to allow the USA and Karpel's deadlines to be aligned. The subsequent

1 requests were by stipulation and motion to extend the deadlines to allow Plaintiffs to file a motion to
2 be added to the Protective Order in the underlying criminal case and the Court to rule on that motion.
3 In support of this Stipulation and Request, the parties state as follows:

4 1. Defendant USA and Karpel filed their Motions to Dismiss on September 12, 2022
5 [ECF Nos. 13 and 14].

6 2. Pursuant to the Order granting the Parties' third stipulation [ECF No. 19], Plaintiffs
7 deadline to respond to the Motions to Dismiss was December 13, 2022.

8 3. On December 6, 2022, the Parties filed a Fourth Stipulation [ECF No. 21] to further
9 extend Plaintiff's response deadline. The Court granted this stipulation, which gave Plaintiff until
10 January 25, 2023, to respond to Defendants' motions. *See* ECF No. 22.

11 4. On January 25, 2023, Plaintiff filed a Motion for a Fifth Extension of Time, which
12 requested a response deadline of March 8, 2023. ECF No. 23. Defendants declined to oppose the
13 motion and gave constructive consent to the extension it sought. *See* L.R. 7-2(d).

14 5. As of today, the Court has not ruled on Plaintiff's motion.

15 6. Prior to filing the second stipulation request, counsel for the parties conferred to
16 attempt to resolve counsel for Plaintiffs' request to be added to the Protective Order in place in the
17 underlying criminal case so that Plaintiffs may share the criminal discovery with undersigned counsel.
18 The discovery is necessary to further plead the complaint in this case in response to arguments made
19 in the currently pending motions.

20 7. Prior to filing the prior stipulation and the motion, undersigned counsel for
21 Plaintiffs also conferred with the local U.S. Attorneys' office regarding the same. Counsel
22 determined that a motion would be necessary to allow counsel for Plaintiffs to be added to the
23 Protective Order in the underlying criminal case so that discovery may be reviewed by counsel for
24 Plaintiffs and used to further plead the complaint in this case.

25 8. On November 18, 2022, Plaintiffs' counsel filed a Motion to Be Added to the
26 Protective Order [ECF No. 17] in this case. The Motion was denied by Magistrate Judge Youchah
27 without prejudice by Minute Order on November 21, 2022 [ECF No. 20] directing Plaintiffs' counsel
28 to file the motion in the underlying criminal case.

1 9. The parties further conferred on filing of the Motion to Be Added to the Protective
2 Order in the criminal case.

3 10. On January 25, 2023, Plaintiffs filed the Motion to Be Added to the Protective
4 Order in the criminal case [ECF No. 2296 in 2:16-cr-00265-GMN-NJK].

5 11. On January 31, 2023, Magistrate Judge Koppe ordered the United States to file a
6 response indicating its position on Defendants' motion no later than February 6, 2023 [ECF No. 2297
7 in 2:16-cr-00265-GMN-NJK].

8 12. On February 2, 2023, the United States filed its response indicating that it did not
9 oppose the Motion [ECF No. 2298 in 2:16-cr-00265-GMN-NJK].

10 13. On February 2, 2023, Magistrate Judge Koppe granted the Motion to Be Added to
11 the Protective Order in the criminal case [ECF No. 2299 in 2:16-cr-00265-GMN-NJK].

12 14. Since the granting of the Motion, Plaintiffs' counsel has been attempting to get all
13 of the underlying criminal discovery in an organized fashion from the defendants through their prior
14 counsel and is still in the process of doing so.

15 15. Plaintiffs' counsel has also been preparing for and in trial in a case that started
16 Monday, February 27, 2023 that was anticipated to last six to seven weeks. To allow time for
17 Plaintiffs' counsel to review the underlying criminal discovery for purposes of prosecuting this civil
18 case and further responding to the pending Motions to Dismiss and/or filing an Amended Complaint
19 in light of the delay in getting the discovery and her trial preparation, the parties have stipulated to
20 extend Plaintiffs' response deadline to the Motions to Dismiss to March 29, 2023. The parties have
21 further stipulated to allow Defendants UNITED STATES OF AMERICA and DAVID N. KARPEL
22 until April 19, 2023 to file its response to Plaintiff's filing.

23 16. This Request for an extension of time is not sought for any improper purpose or
24 other purpose of delay. Rather, it is sought by the parties solely to allow sufficient time for Plaintiffs'
25 counsel to review the underlying criminal discovery for purposes of prosecuting this civil case and
26 further responding to the pending Motions to Dismiss and/or filing an Amended Complaint in light
27 of the recent granting of the motion to add Plaintiffs' counsel to the protective order in the criminal
28 case and undersigned counsel's trial preparation schedule over the last month.

1 WHEREFORE, the parties respectfully request that the Court extend the deadlines as stipulated
2 to herein.

3 DATED this 10th day of March, 2023.

DATED 10th day of March, 2023.

4 BRIAN M. BOYNTON
5 Principal Deputy Assistant Attorney General
6 Civil Division

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7 C. SALVATORE D'ALESSIO, JR.
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America and David Karpel*

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21 **IT IS SO ORDERED.**

22 March 13, 2023

23 DATE


24 UNITED STATES DISTRICT JUDGE
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